

**REMARKS**

**I. Formal Matters.**

Claims 1-14 are all the claims pending in the application upon entry of this amendment.

Interview Summary. Briefly referring to the Interview Summary regarding the interview between Examiner's Tran and Nyugen and the undersigned on January 13, 2006, Applicant's representative did not "agree" as stated, to amend claim 8 to require three inputs to overcome the 102(e) rejection. Rather, the Examiners conceded that a "three input" claim amendment, if made, would overcome the rejection of claim 8 as being allegedly anticipated by *Hourunranta* under 35 U.S.C. §102(e). Further the amended claim language of, "wherein the multiplexer has three inputs" is made for early allowance, not necessary for patentability, and without prejudice to filing a subsequent application claiming all or part of the subject matter that has been relinquished in this case.

**II. Claims.**

The Examiner rejects claims 1-7 as allegedly being unpatentable over *Applicant's Admitted Prior Art ("AAPA")* in view of *Hourunranta, et al.* (U.S. Patent No. 6,704,281) ("*Hourunranta*") under 35 U.S.C. §103(a).

Claim 1. The Examiner acknowledges that *AAPA* fails to disclose "an output code amount controller that generates a control signal for controlling an amount of output data of said image signal coding unit." (OA page 9). We note that claim 1, further requires, "... a multiplexer that multiplexes the data stored in said audio data memory, said image data memory and said control data memory, wherein processed control data is input into the multiplexer as a separate signal from coded audio data and coded image data; and

an output code amount controller that generates a control signal for controlling an amount of output data of said image signal coding unit in response to an increase or decrease in an amount of any of the multiplexer inputs, coded audio data, coded image data, or processed control data, on the basis of the output of said multiplexer . . .”, which *AAPA* also fails to disclose (claim 1; *Application* Fig. 5). The Examiner relies on *Hourunranta* to teach, generation of a control signal for controlling an amount of output data of said image signal *based on the output of said multiplexer* (OA page 5).

In response to previously submitted arguments, the Examiner asserts that *Hourunranta* discloses multiplexing audio, video *and control data* and therefore, *Hourunranta* does not “teach away” from the required claim elements (OA page 10, *Examiner citing* to element 120 of Fig. 5).

Neither in the Fig. cited by the Examiner, nor in the text at large, does *Hourunranta* teach multiplexing of audio data, video data, and control data, where each is a separate signal, as clearly taught in the specification and required by claim 1. *Hourunranta* teaches feedback from a multiplexer for control of video and audio encoding (*Hourunranta* Fig. 5, col. 7, lines 5-13). However, *Hourunranta* fails to teach or suggest the multiplexing of video data, audio data, *and control data*. Rather *Hourunranta* teaches *the inputs* to the multiplexer comprise only encoded audio data and encoded image data (*Hourunranta* col. 1, lines 22-35). “The speech encoder 112 bitstream . . . is fed to the multiplexer 120.” (*Hourunranta* Fig. 5; col. 4, lines 16-19). Similarly, the video encoder bit stream 107 is fed to the multiplexer 120 (*Hourunranta* Fig. 5). The multiplexed signal comprises different types of media data (*Hourunranta* col. 5, lines 57-60).

One ordinarily skilled in the art would readily recognize that only the signals input to the multiplexer are “multiplexed.”<sup>1</sup> The channels, inputs, signals themselves, are stacked or arranged in a manner in which they can later be separated. Even if control data were part of or embedded in the coded audio data stream and the coded video stream fed into *Hourunranta*’s multiplexer, *Hourunranta* still fails to teach a separate multiplexer input, signal, or channel, of processed control data.

*Hourunranta* teaches that control data 132 and preference data 131 are input into the audio and video encoders and controllers (*Hourunranta* Fig. 5; col. 6, lines 22-26; col. 5, lines 56-62; col. 6, lines 23-49). Feedback from the mux buffer is limited to mux buffer loading, and over flow status (*Hourunranta* col. 7, lines 13-37), and does not account for *an amount of* processed control data, which is not multiplexed in the first place. The operation of the video encoder and the audio encoder is based on preference data, control data, the status of the mux buffer, and a predefined protocol (*Hourunranta* col. 7, lines 32-35; col. 7, lines 13-17; col. 7, lines 50-53). *Hourunranta* fails to teach or suggest multiplexing of audio data, video data, and control data. In fact, *Hourunranta* teaches control data, preference data, and status of the mux buffer *as separate factors* considered in video encoding (col. 4, lines 19-26).

During a teleconference between Examiner Tran and the undersigned on November 29, 2005, Examiner Tran acknowledged that *Hourunranta* discloses multiplexing of video buffer data and audio buffer data in Fig. 5. With respect to the required claim element of multiplexing audio data, video data, *and control data*, the Examiner asserts that control data is embedded in

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<sup>1</sup> <http://telecom.tbi.net/mux1.html>; “An Overview of Multiplexing.”

the encoded audio and encoded video data and is therefore multiplexed upon subsequent multiplexing of the audio data and video data (Teleconference on November 29, 2005).

However, claim 1, clearly requires multiplexing of a separate processed control signal.

*Hourunranta* specifically addresses the contents of the multiplexed bit-stream and fails to teach multiplexing a separate channel of processed (or coded) control data. *Hourunranta* fails to account for a change *in the amount of control data* with respect to video encoding rate or format. Even if control data is embedded in the coded audio and coded image signal, the contribution of the amount of control data to the status of the mux buffer is not ascertainable.

In contrast, the subject specification teaches and claim 1 requires an apparatus which multiplexes encoded audio data, encoded video data, and control data and adjusts video encoding in response to an increase or decrease *in any of these three* multiplexed data inputs (*Application* [0010]-[0011]; claim 1).

*AAPA* fails to teach or suggest an apparatus which multiplexes encoded audio data, encoded video data, and control data and adjusts video encoding in response to an increase or decrease *in any of these three* multiplexed data inputs. Secondary reference *Hourunranta* fails to teach suggest an apparatus which multiplexes encoded audio data, encoded video data, and control data and adjusts video encoding in response to an increase or decrease *in any of these three* multiplexed data inputs, as well. *AAPA* and *Hourunranta*, alone or in combination, fail to teach or suggest a multiplexer that multiplexes the data stored in said audio data memory, said image data memory and said control data memory, and controlling an amount of output data of said image signal coding unit *in response to an increase or decrease in an amount of any of the* multiplexer inputs, audio data, image data, or control data on the basis of the output of said

multiplexer. At least for this deficiency, the rejection of claim 1 as being unpatentable over *AAPA* in view of *Hourunranta* under 35 U.S.C. §103(a) should be withdrawn.

Claims 2-7 are asserted as being in condition for allowance at least by virtue of their dependency upon an allowable claim.

The Examiner rejects claims 8-13 as allegedly being anticipated by *Hourunranta* under 35 U.S.C. §102(e).

Claim 8. As discussed above in the traversal of the rejection of claim 1, *Hourunranta* fails to teach or suggest multiplexing separate audio, image, and control signals to create multiplexed data and inputting the multiplexed output to an output amount control circuit for controlling an amount of image data. Claim 8, further and particularly requires, three input signals to the multiplexer, where coded audio, coded image, and coded control data are each respective inputs. At most, control data is input into the multiplexer in *Hourunranta* as part of a coded audio signal and as part of a coded video signal. Therefore, an analogous argument to that presented above is asserted in traversal of the rejection of claim 8. In turn, withdrawal of the rejection of claim 8 as being anticipated by *Hourunranta* under 35 U.S.C. §102(e) is deemed proper and is respectfully requested.

Claims 9-13 are asserted as being in condition for allowance at least by virtue of their dependency upon an allowable claim.

New claim 14 is believed to be allowable at least for requiring the allowable subject matter of claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. §1.111  
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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

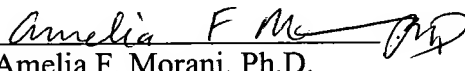
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